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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,292	05/25/2001	Michael Ernst Aufrecht	1933.0010007	1241

26111 7590 08/02/2005

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EXAMINER

DONAGHUE, LARRY D

ART UNIT PAPER NUMBER

2154

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/864,292

Applicant(s)

AUFRICHT ET AL.

Examiner

Larry D. Donaghue

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-9, 15-27 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-14 and 28-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date see attached.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. Claims 1-36 are presented for examination.
2. Applicant's election without traverse of Invention II in the reply filed on 04/25/2005 is acknowledged.
3. Claims 1-13, 15-27 and 33-36 are withdrawn from further consideration.
4. In response to this action applicant is request to cancel the claims directed to the non-elected invention.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-14 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Avantgo Teams with Leading Publishers to Serve Up News For Mobile User" (Avantgo) in view of Boyd et al., (WO 98/38614) further in view of Official notice.

Avantgo taught method for providing channel tracking information to providers (pages 1-3, particularly page 2).

Avantgo did not expressly teach displaying subscriber and usage information relating to the provider This is taught by Boyd et al. (Boyd et al. page 1, lines 16-24 and page 7, line 14 – page 8, line 9 and page 5, line 33- page 6, line 33). It would have been obvious to combine these references for the reason set forth by Boyd et al. on page 1, lines 23-24).

Neither reference expressly discloses enabling the provider to access a web site using a password protected mechanism, Official notice is taken that the use of passwords to restrict access, to only authorized users is well known in the art.

As to claims 29 and 11, the combined teaching set forth subscriber information includes one or more of the number of users that are currently subscribed to a channel, the number of users that subscribe to the channel via default placement, featured placement, or access from a subscriber's own web site, the number of users who actually use the channel, information regarding the usage of the channel, trend information, zip codes, email addresses, and home addresses of the subscribers, and the type of devices used by the subscribers (particularly Boyd et al. page 1, lines 16-24 and page 7, line 14 – page 8, line 9 and page 5, line 33- page 6, line 33).

As to claims 30 and 12, the combined teaching set forth said usage information includes one or more of the number of people actively using the channel and the time period of use, wherein usage information is characterized according to one or more of geographic location of users, device type of users, and method of access by users (particularly Boyd et al. page 1, lines 16-24 and page 7, line 14 – page 8, line 9 and page 5, line 33- page 6, line 33).

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As to claims 31 and 13, wherein said channel tracking information is displayed in the form of a canned report (Boyd et al., page 5, line 33 – page 6, line 33, particularly line s 9-13) .

As to claims 32 and 14, wherein said channel tracking information is displayed in a form defined by the provider report (Boyd et al., page 5, line 33 – page 6, line 33, particularly line s 9-13) .

7.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gailey et al. US 2005/0102180

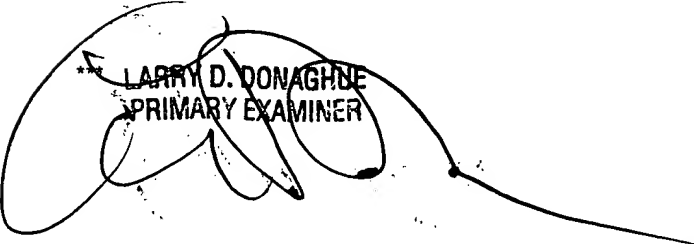
Smethers 6,560,640

Vincent US 2003/0046385

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D. Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LARRY D. DONAGHUE  
PRIMARY EXAMINER